HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3684 of 2007

Dated:27.02.2007

Between:

G.Aswarthanarayana Babu.

…Petitioner.

and

Deputy Transport Commissioner & Secretary, and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3684 of 2007

ORDER:

The petitioner is the owner of a vehicle, bearing registration No.KA-40-A-1235. The Motor Vehicles Inspector, Palamaner, the 2nd respondent herein, seized the same on 21-02-2007, under a vehicle check report. As many as five defects were pointed out. The prominent among them are, that the vehicle did not have registration certificate, and that it was plying without permit. The petitioner seeks release of the vehicle.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

The Motor Vehicles Act (for short '*the Act*') and the Rules made thereunder prescribes the procedure for determination of lapses, if any, committed by the owners of the vehicle, and the consequences that flow from such determination. According to the petitioner, notice under any provision of the Act has not yet been issued.

The question, as to whether the lapses pointed out in the vehicle check report are true or not, needs to be decided in the proceedings, that may be initiated in accordance with the relevant provisions of law.

Continued detention and seizure of the vehicle does not advance the purpose, or interest of the respondents. On the other hand, it would expose to theft of parts, and damage. The interest of the respondents can be protected by directing that the vehicle of the petitioner be released, subject to certain conditions.

Hence, the writ petition is disposed of, directing that the respondents shall release the vehicle, bearing No.KA-40-A-1235, to the petitioner on his paying a sum of Rs.10,000/- (ten thousand). He shall also file an undertaking to the effect that he shall produce the vehicle as and when necessary, and that he shall not alienate the same without the specific permission of the respondents.

There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.27-02-2007.

Note:Furnish C.C. by 28.02.2007.

(B/o)

GJ